



COUNTY OF LOS ANGELES

FIRE DEPARTMENT

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DARYL L. OSBY
FIRE CHIEF
FORESTER & FIRE WARDEN

November 07, 2012

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**ORDINANCE AMENDING TITLE 32 OF THE LOS ANGELES COUNTY CODE RELATING TO
NEW AND ADJUSTED FEES FOR FUEL MODIFICATION PLAN PROCESSING AND REVIEW
(ALL SUPERVISORIAL DISTRICTS) (3 VOTES)**

SUBJECT

This proposed ordinance amends Title 32 of the Los Angeles County Code by adjusting existing fees and adopting new fees relating to the review, evaluation, and processing of fuel modification plans and documents in unincorporated areas and within incorporated cities that are served by the Consolidated Fire Protection District of Los Angeles County (District).

**IT IS RECOMMENDED THAT THE BOARD ACTING AS THE GOVERNING BODY OF THE
CONSOLIDATED FIRE PROTECTION DISTRICT AND AS THE BOARD OF SUPERVISORS:**

Introduce, waive reading, and schedule a public hearing regarding the enclosed ordinance that amends Title 32, Section 4908.3 of the Los Angeles County Code.

IT IS RECOMMENDED THAT THE BOARD AFTER THE PUBLIC HEARING,

1. Find that the proposed County ordinance is being adopted for the purpose of meeting operational expenses of the District and is, therefore, exempt from the California Environmental Quality Act (CEQA) pursuant to Section 21080(b)(8) of the Public Resource Code, and Section 15273 of Title 14 of the California Code of Regulations (the State CEQA Guidelines).
2. Adopt the ordinance and ordain that the new and adjusted fees will take effect 60 days following the adoption of the ordinance.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of this ordinance is to adjust existing fees to recover costs incurred by the District for reviewing, evaluating, and processing fuel modification plans for projects located within the incorporated and unincorporated areas of Los Angeles County served by the District. Amending Title 32 to reflect the adjusted fees will provide accurate cost recovery for the services rendered.

The District began charging for fuel modification plan check fees in July 2005. These fees, along with all other Fire Prevention plan check fees were increased in October, 2008 to cover operating expenses due to increases from inflation and cost of living factors that existed at the time of the increase. Since the onset of the economic recession and housing crisis, new home builders have consistently looked for ways to reduce new housing costs. During 2011, Department personnel met with members of the development community and representatives from the Building Industry Association (BIA) to examine options to lower costs. During these meetings, both the BIA and development community asserted that they were being overcharged for fuel modification plan check services due to the fact that the existing fee rates for fuel modification plan check services did not accurately reflect the economic recession as it relates to housing and in turn, requested that the fees be reduced.

As a result of this request, the District completed a three-month evaluation to reassess whether the fees needed to be readjusted as a result of the decline in the housing market. At the end of the three-month evaluation period, it was determined that all fees, except for barns, garages, and accessory structures, needed to be reduced. The fees for barns, garages, and accessory structures, would need to be increased. Additionally, the District will set in place procedures and protocols to routinely reassess these fees to reflect accurate cost recovery.

Pursuant to Section 66014 of the Government Code, fees cannot exceed the estimated cost of providing the service for which the fee is charged. The Auditor-Controller reviewed the revised fees and found that the proposed fees equal the necessary cost recovery for the services provided. As such, the newly developed fee schedule will ensure that both new home builders and individuals will be charged the necessary amount for the District to recover its costs.

If approved, the County ordinance will amend Title 32 and become effective in the both the incorporated and unincorporated areas served by the District. If the ordinance is approved, the District's Financial Management Division will continue to manage the collection of all fuel modification fees submitted by applicants.

Implementation of Strategic Plan Goals

Approval of these revised fuel modification plan check fees is consistent with the Los Angeles County Strategic Plan Goal No.1, Operational Effectiveness, which is to maximize the effectiveness of the County's processes, structure, and operations to support timely delivery of customer-oriented and efficient public services.

FISCAL IMPACT/FINANCING

The fuel modification plan check fee update is necessary to ensure that residents and developers in the District's service area pay their appropriate share of program costs. Developers and individuals who submit fuel modification plans for projects located within incorporated areas served by the District will pay the same fees charged to customers with land development projects located within the unincorporated areas of Los Angeles County.

The ordinance revises the fees with the intent to provide full recovery of all related costs incurred by the District. The ordinance also provides for annual Consumer Price Index adjustments to keep the fees current with future cost increases.

It should be noted that the reduction of fuel modification plan check fees will reduce District revenue generated by the fuel modification program by approximately 50% from \$632,996 in FY 2011-12 to an estimated \$317,490 for FY 2012-13.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Pursuant to Section 66451.2 of the Government Code, the County is authorized to establish reasonable fees for the processing of tentative, parcel and final maps and for other related procedures.

Pursuant to Section 66017 of the Government Code, any action adopting a fee or charge, or increasing a fee or charge adopted, upon a development project, as defined in Section 66000, which applies to the filing, accepting, reviewing, approving, or issuing of an application, permit, or entitlement to use, shall be enacted in accordance with the notice and public hearing procedure specified in Section 66016. The fee or charge shall be effective no sooner than 60 days following the final action of the adoption, or change in the amount, of the fee or charge.

To comply with the requirements of Sections 66016, 66018, and 6062a of the Government Code, the fees and fee increases may only be adopted after a public hearing during which oral or written presentations can be made. These code sections also require that a notice statement containing data indicating the amount of the cost, or estimated costs, required to provide the service for which the fee is levied and the revenue sources anticipated to provide the service, including General Fund revenues, are available and shall be mailed to all interested parties who file a written request for such, at least 14 days prior to the meeting. As of the filing date of this item, no valid written request was on file either with the District or with the Executive Office of the Board of Supervisors.

Section 66016 also requires that at least 10 days prior to the public hearing meeting, the local agency shall make available to the public data indicating the amount of cost or estimated cost, required to provide the service for which the fee is levied and the revenue sources anticipated to provide the service, including General Fund revenues. Said data was made available to the Executive Office of the Board of Supervisors. Notice of the public hearing was published pursuant to Government Code Section 6062a.

The ordinance has been approved as to form by County Counsel and their analysis is enclosed.

ENVIRONMENTAL DOCUMENTATION

This project is exempt from the CEQA pursuant to Section 21080(b)(3) of the Public Resources Code and State CEQA Guideline Section 15061(b)(3).

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Implementation of the fee adjustment is consistent with standard County fiscal policy and it will ensure that customers are receiving services that are commensurate with the fees that are being

charged.

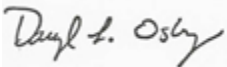
CONCLUSION

Upon approval by your Board, please electronically submit a Statement of Proceedings to the following:

1. Consolidated Fire Protection District of Los Angeles County
Business Operations
Chief Deputy Ronald D. Watson
Ronald.Watson@fire.lacounty.gov

2. Consolidated Fire Protection District of Los Angeles County
Prevention Services Bureau
Deputy Chief John R. Todd
John.Todd@fire.lacounty.gov

Respectfully submitted,



DARYL L. OSBY

FIRE CHIEF, FORESTER & FIRE WARDEN

DLO:yh

Enclosures

- c: William T Fujioka, Chief Executive Officer
Sachi A. Hamai, Executive Officer
Auditor-Controller
County Counsel

**NOTICE OF PUBLIC HEARING REGARDING PROPOSED NEW FEES AND
REVISIONS TO EXISTING FEES**

Notice is hereby given that it is the intention of the Board of Supervisors of the County of Los Angeles, acting as the Board of Supervisors and acting as the governing Board of the Consolidated Fire Protection District of Los Angeles County (District), to adopt new fees and to revise existing fees for the review and processing by the District of fuel modification plans.

Notice is hereby given that a public meeting will be held by the Board of Supervisors regarding an ordinance amending Title 32 of the Los Angeles County Code to implement the above-described fees.

Said hearing will be held on November 27, 2012, at 9:30 a.m. in the Hearing Room of the Board of Supervisors, Room 381B, Kenneth Hahn Hall of Administration, 500 West Temple Street (corner of Temple Street and Grand Avenue), Los Angeles, California 90012.

Data indicating the amount of cost, or estimated cost, required to provide the services for which the proposed fees are to be charged and the revenue sources anticipated to provide the service, including General Fund reviews, if any, shall be made available to the public at least ten (10) days prior to the date of the meeting. The data will be available at the Executive Office of the Board of Supervisors, Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012.

The Board of Supervisors will consider and may adopt the ordinance. Furthermore, notice is given that the Board of Supervisors may continue this hearing from time to time.

Written comments may be sent to the Executive Office of the Board of Supervisors at Room 383, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012.

Si no entiende esta noticia o si necesita mas informacion favor de llamar a este numero (626) 458-4915.

**SACHI A. HAMAI
EXECUTIVE OFFICER – CLERK OF
THE BOARD OF SUPERVISORS**